

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Defendants.

Case No. 2:17-cv-11910
Hon. Mark A. Goldsmith
Mag. David R. Grand

Class Action

**STIPULATED ORDER REGARDING THE DETENTION
OF MUZIHAR AL-HASANAWY**

Undersigned counsel stipulate and agree that this Court issue and enter this order allowing U.S. Immigration and Customs Enforcement (“ICE”) to detain Muzihar Al-Hasanawy pending his removal to Iraq, scheduled for the second week of May, if he is released from criminal custody before that date. The bases for the order are as follows:

1. On April 4, 2019, Respondents filed a motion to re-detain *Hamama* class member Muzihar Al-Hasanawy. ECF No. 539. Mr. Al-Hasanawy is currently in criminal custody in the Wayne County Jail.

2. Mr. Al-Hasanawy is not contesting his removal to Iraq. Accordingly, on February 6, 2019, this Court entered a stipulated order lifting the preliminary injunction for Al Hasanawy to permit his removal to Iraq. ECF No. 526.

3. On February 26, 2019, ICE released Mr. Al-Hasanawy under an order of supervision pursuant to this Court's preliminary injunction on Petitioners' *Zadvydas* claim. Mr. Al-Hasanawy, however, was thereafter taken into the custody by the Detroit Police Department due to pending criminal charges.

4. The Government of Iraq has issued a travel document authorizing Mr. Al-Hasanawy's return to that country.

5. Additionally, ICE has scheduled a flight for Mr. Al-Hasanawy's return to Iraq during the second week of May 2019.

6. Under the circumstances of this case, the parties agree that there is an appropriate basis for this Court to enter this order permitting ICE to re-detain Mr. Al-Hasanawy if he is released from criminal custody prior to his scheduled removal date to facilitate his removal to Iraq. However, such permission shall extend only until Mr. Al-Hasanawy's scheduled departure date and, if he is not removed on or before that date, the time necessary for the parties to brief and the Court to decide whether his detention should be extended thereafter.

7. If Mr. Al-Hasanawy is not returned to Iraq during the second week of May 2019 as planned, Respondents shall have until May 17, 2019 to update the Court on the current status of the removal process and to seek permission to continue Mr. Al-Hasanawy's detention. Petitioners shall then have until May 24, 2019 to respond.

8. Because this order is being entered by stipulation, Respondents withdraw their previously filed motion, ECF 539, which shall be stricken from the docket.

Therefore undersigned counsel stipulate and agree and the Court hereby orders the following:

It is ORDERED that:

1. Respondents may detain Mr. Al-Hasanawy pending his removal to Iraq, scheduled for the second week of May, if he is released from criminal custody before that date.
2. If Mr. Al-Hasanawy is not removed on or before his scheduled removal date, Respondents may detain Mr. Al-Hasanawy while the parties brief and the Court decides the question of his further detention. Respondents shall have until May 17, 2019 to update the Court on the current status of the removal process and to seek permission to continue Mr. Al-Hasanawy's detention. Petitioners shall then have until May 24, 2019 to respond.
3. Respondents' previously filed motion to redetain Mr. Al-Hasanawy, ECF 539, is hereby stricken from the docket.

SO ORDERED.

Dated: April 12, 2019
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

SO STIPULATED.

Date: April 12, 2019

/s/ Miriam J. Aukerman

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